



**TOWN OF TEWKSBURY
CONSERVATION COMMISSION
1009 Main Street
Tewksbury, MA 01876**

Jonathan Parker, Chairman
Carolina Linder, Vice-Chair
Steve Deackoff, Clerk
Dennis Sheehan
Anthony Ippolito

**MEETING MINUTES
April 20, 2016**

The meeting was called to order at 7:00 p.m. by Jonathan Parker, Chairman. In attendance was Steve Deackoff and Dennis Sheehan. Also in attendance was Kyle Boyd, Conservation Agent.

Anthony Ippolito and Carolina Linder was not in attendance.

Approval of Meeting Minutes – April 6, 2016

MOTION: Mr. Deackoff made the motion to approve the April 6, 2016 meeting minutes; seconded by Mr. Sheehan and the motion carried 3-0.

A) Notice of Intent, Richard Filosi, 580 Shawsheen Street, Map 84, Lot 60, DEP #305-1005

Mr. Parker noted that this matter will be continued to May 11, 2016.

MOTION: Mr. Deackoff made the motion to continue Notice of Intent, Richard Filosi, 580 Shawsheen Street, Map 84, Lot 60, DEP #305-1005 to May 11, 2016 at 7:02 p.m.; seconded by Mr. Sheehan and the motion carried 3-0.

B) Request for Determination of Applicability, Keolis Commuter Services, Rail Line ROW

Mr. Parker noted that this matter will be continued to May 11, 2016.

MOTION: Mr. Deackoff made the motion to continue, Request for Determination of Applicability, Keolis Commuter Services, Rail Line ROW to May 11, 2016 at 7:04 p.m.; seconded by Mr. Sheehan and the motion carried 3-0.

C) Notice of Intent, Town of Tewksbury, Long Pond, DEP #

Mr. Parker noted that this matter will be continued to May 11, 2016.

MOTION: Mr. Deackoff made the motion to continue Notice of Intent, Town of Tewksbury, Long Pond, DEP #; seconded by Mr. Sheehan and the motion carried 3-0.

D) Request for Certificate of Compliance, Donna Rosenblatt, 40 Susan Drive, Map 58, Lot 143, DEP #

Mr. Boyd noted that the applicant is not present tonight and explained that the town conducted a sewer project several years ago that took place along Susan Drive. Unfortunately, the town did not obtain a certificate of compliance and the outstanding order has been impacting the pending closing on the project. A partial certificate of compliance is being requested in order to move forward with the closing.

MOTION: Mr. Deackoff made the motion to issue a partial certificate of compliance, Donna Rosenblatt, 40 Susan Drive, Map 58, Lot 143, DEP #, recorded with the Middlesex North District Registry of Deeds Book 24958, Page 130; seconded by Mr. Sheehan and the motion carried 3-0.

E) Request for Certificate of Compliance, Eric Murray, 219 River Road, Map 27, Lot 17, DEP #

Mr. Parker noted that this matter be continued to May 11, 2016 at 7:08 p.m.

MOTION: Mr. Deackoff made the motion to continue Request for Certificate of Compliance, Eric Murray, 219 River Road, Map 27, Lot 17, DEP # to May 11, 2016 at 7:08 p.m.; seconded by Mr. Sheehan and the motion carried 3-0.

F) Enforcement Order, Helen Leigakos, 56 Colab Road, Map 22, Lot 78 & 79

Mr. Deackoff noted that he visited the site and that it has also been discussed in the past. The property is being sold and the new property owner would like to work with the Commission on a restoration plan.

MOTION: Mr. Deackoff made the motion to ratify the enforcement order for Helen Leigakos, 56 Colab Road, Map 22, Lot 78 & 79; seconded by Mr. Sheehan and the motion carried 3-0.

MOTION: Mr. Deackoff made the motion to continue the enforcement order for Helen Leigakos, 56 Colab Road, Map 22, Lot 78 & 79; seconded by Mr. Sheehan and the motion carried 3-0.

G) Request for Determination of Applicability, Ryan Ellis, 155 Greenmeadow Drive, Map 38, Lot 16

Present was Brian Ellis of 155 Greenmeadow Drive. Mr. Ellis explained that they recently purchased their home and are seeking to expand their yard. Mr. Ellis noted that they are not proposing to construct anything and will just be “clearing out the yard”. Mr. Ellis noted that the property goes approximately 170 feet beyond the rear of home and they are currently only utilizing 50 feet. The proposal is for an approximate 25 foot extension.

Mr. Boyd noted that the applicant will be approximately 65 feet from the wetlands and are proposing to remove trees, leaves from wetlands, etc.

MOTION: Mr. Deackoff made the motion for a negative determination, Ryan Ellis, 155 Greenmeadow Drive, Map 38, Lot 16, erosion controls shall be installed prior to any fill being spread; seconded by Mr. Sheehan and the motion carried 3-0.

H) Request for Determination of Applicability, Pan Am Railways, Pan Am Right of Way

Present was Keith Morris, Consultant for Pan Am Railways. Mr. Morris explained that they filed a Request for Determination of Applicability as part of the 5 year vegetation management plan for a verification of their no spray zones. This is required to be done every 5 years and the plan is updated. Mr. Morris explained that the no spray zones pertain to wetlands and they cannot spray within 10 feet of the wetlands. The furthest overspray is 10 feet on either side. The tracks in the no spray areas are marked with blue and yellow. Mr. Morris noted that he rides along with the applicator to ensure the areas are not sprayed. This is all done by the Department of Agricultural Resources.

Mr. Boyd noted that the areas are not shown on the plan and asked if it would be possible for someone to ride him through the route to see the areas. Mr. Morris noted that this can be requested; however, it is difficult to do with track time and suggested he meet Mr. Morris and they visit some of the locations together. Mr. Boyd noted that he would like to visit some of the areas as there could potentially be a vernal pool at one of the locations. Mr. Morris explained that they cannot spray within 10 feet of any standing water. Mr. Deackoff suggested making this a condition rather than continuing the matter.

Discussion took place on whether should be a positive or negative determination. Mr. Boyd explained that typically the Commission votes in the negative as they are saying the Wetland Protection Act does not apply. In this situation, it should be a positive determination as the Commission is saying that there are in fact wetlands and the Wetland Protection Act applies.

MOTION: Mr. Deackoff made the motion for a positive determination, Pan Am Railways, Pan Am Right of Way, Mr. Boyd shall be given a tour of the track by Mr. Morris; seconded by Mr. Sheehan and the motion carried 3-0.

Old Business

There was no old business.

New Business

Pipeline discussion

Mr. Deackoff noted that Kinder Morgan has suspended the pipeline project.

Mr. Boyd noted that he attended a meeting last week at the Andover Town Hall as DPU was holding a hearing as to whether Kinder Morgan should be allowed to survey properties they have been denied access to. Mr. Boyd suggested the Commission members get involved should events such as this be held in the future.

Adjourn.

MOTION: **Mr. Deackoff made the motion to adjourn; seconded by Mr. Sheehan and the motion carried 3-0.**

Approved: 5/11/16

List of documents for 4/20/16 Agenda
Documents can be located at the Community Development Office

Call Meeting to Order

Approval of Minutes April 6, 2016

- A. 7:02** (Continued) Notice of Intent, Richard Filosi, 580 Shawsheen St., Map 84 Lot 60, DEP # 305-1005
- *Notice of Intent application and Wetland Analysis submitted by LEC Environmental Consultants dated March 4, 2016*
 - *'Riverfront Area & Compensatory Flood Storage Area Revegetation Plan' submitted by LEC Environmental Consultants*
 - *Request for Continuance letter*
 - *Review letter from Conservation Agent/Town Planner Kyle Boyd dated March 14, 2016*
 - *'Plan of Land showing Proposed Garage & Improvements' dated March 28, 2016 signed and stamped by Andrew Bramhall*
 - *Summary Letter of Flood Plain Restoration dated April 11, 2016 signed and stamped by Thad Berry*
- B. 7:04** (Continued) Request for Determination of Applicability, Keolis Commuter Services, Rail Line ROW
- *WPA Form 1 Request for Determination submittal package with letter from Kyle Fair dated March 1, 2016*
 - *Keolis Commuter Services Map dated March 1, 2016*
- C. 7:06** (Continued) Notice of Intent, Town of Tewksbury, Long Pond, DEP #
- D. 7:08** Request for Certificate of Compliance, Donna Rosenblatt, 40 Susan Drive, Map 58 lot 143, DEP # 305-759
- *Order of Conditions dated January 22, 2004 DEP #305-759*
- E. 7:10** Request for Certificate of Compliance, Eric Murray, 219 River Road, Map 27 Lot 17 DEP #
- (Continued)*
- F. 7:12** Enforcement Order, Helen Leigakos, 56 Colab Rd, Map 22 Lot 78 & 79
- *Enforcement Order dated March 28, 2016*
 - *Map of disturbed area dated March 29, 2016*
 - *Pictometry aerial of land dated November 12, 2008*
 - *Tax title document dated February 28, 1990*
- G. 7:14** Request for Determination, Ryan Ellis, 155 Greenmeadow Drive, Map 38 Lot 16
- *WPA Form 1 submitted by Ryan Ellis*
 - *Mortgage Inspection Plan dated 10/28/15 signed and stamped by Daniel J. Tivnan*
- H. 7:16** Request for Determination of Applicability, Pan Am Railways, Pan Am Right of Way
- *WPA Form 1 Request for Determination submittal*